

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

KEYSHAUN JENKINS,

Plaintiff,

v.

CIVIL ACTION NO. 5:24-cv-00077

FCI BECKLEY,

Defendant.

**ORDER**

Pending is Plaintiff Keyshaun Jenkins' Complaint seeking relief pursuant to *Bivens v. Six Unknown Federal Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971) [Doc. 1], filed January 29, 2024. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Aboulhosn filed his PF&R on September 19, 2024. Magistrate Judge Aboulhosn recommended that the Court dismiss Mr. Jenkins' Complaint without prejudice pursuant to *Federal Rule of Civil Procedure* 41(b) given his failure to prosecute.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically "appeal a magistrate judge's


findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on October 7, 2024. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [Doc. 10], **DISMISSES WITHOUT PREJUDICE** Mr. Jenkins' Complaint [Doc. 1] given his failure to prosecute, and **REMOVES** this matter from the docket.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: October 18, 2024



  
Frank W. Volk  
Chief United States District Judge